IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 297 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JASUBHA HARISINH VAJA

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Petitioner

MR SAMIR J DAVE, APP, for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/05/2001

ORAL JUDGEMENT

#. Rule. Shri Samir J. Dave waives service of Rule on behalf of respondents. Heard the learned counsel for the parties.

#. The petitioner is praying for his release on parole leave for 30 days on his personal bond in the facts and circumstances of the case.

#. It is the case of the petitioner that he has applied for parole leave to the District Magistrate, Bhavnagar. This application was submitted by the petitioner, as per the say of his counsel, before four months. In this petition, the petitioner is praying for parole leave on the ground of marriage of his sister which is fixed on 2nd May, 2001. On being put by the Court, learned counsel for the petitioner admits that before four months, the petitioner prayed for grant of parole leave on the ground of marriage of his sister. If that would have been correct then I fail to see what for the petitioner waited for four months. He should have come up before this Court for decision on the application earlier, after waiting for a reasonable time. Otherwise also, it is very doubtful that the marriage of the sister of the petitioner would be there on 2nd May, 2001. In support of this petition, the petitioner filed a zerox copy of the wedding card. It is very difficult to accept this document, at this stage. Otherwise also, the petitioner has come up before this Court at such a stage where this Court is not in a position to give any time to other side to ascertain the correctness of the averments made by the petitioner. This petition also seems to be not bonafide for the reason that for marriage how far it is justified for the petitioner to pray for 30 days parole leave.

#. Taking into consideration the totality of the facts of this case I do not find any merits in this petition and the same is dismissed. Rule discharged.

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zgs/-